

1 Robert R. Kinas (Nevada Bar No. 6019)
 2 Meridith J. Strand (Nevada Bar No. (7931)
 3 SNELL & WILMER L.L.P.
 4 3800 Howard Hughes Parkway
 5 Suite 1000
 6 Las Vegas, NV 89109
 7 Telephone: (702) 784-5200
 8 Facsimile: (702) 784-5252
 9 E-mail: rkinas@swlaw.com
 mstrand@swlaw.com

Electronically Filed:
May 2, 2006

10 *Attorneys for Aylene Geringer, Mark Zipkin,
 11 Ed Schoononver, Sue Schoononver, Fern
 12 Apter, Bill Ovca, Alex Gassio, Terri Nelson*

13 **UNITED STATES BANKRUPTCY COURT**

14 **DISTRICT OF NEVADA**

15 In re:

16 USA COMMERCIAL MORTGAGE
 COMPANY,

17 Debtor.

In re:

USA CAPITAL REALTY ADVISORS,
 LLC,

Debtor

In re:

USA CAPITAL DIVERSIFIED TRUST
 DEED FUND, LLC,

Debtor.

In re:

USA CAPITAL FIRST TRUST DEED
 FUND, LLC,

Debtor.

In re:

USA SECURITIES, LLC

Debtor.

Affects:

- All Debtors
- USA Commercial Mortgage Co.
- USA Securities, LLC
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed
- USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725-LBR
 Chapter 11

Case No. BK-S-06-10726-LBR
 Chapter 11

Case No. BK-S-06-10727-LBR
 Chapter 11

Case No. BK-S-06-10728-LBR
 Chapter 11

Case No. BK-S-06-10729-LBR
 Chapter 11

Date: 5/3/06
 Time: 9:30 a.m.

**JOINDER IN THE OPPOSITIONS (1) TO DEBTOR'S PROPOSED CASH
MANAGEMENT PROCEDURES AND INTERIM USE OF CASH
IN ACCORDANCE WITH PROPOSED CASH BUDGET AND (2) THE ORDER
REGARDING SET OFF OF BANK ACCOUNTS**

AYLENE GERINGER, MARK ZIPKIN, ED SCHOONONVER, SUE SCHOONONVER, FERN APTER, BILL OVCA, ALEX GASSIO, TERRI NELSON, (“Direct Lenders”) by and through their counsel, Snell & Wilmer L.L.P., join in the numerous Oppositions (1) to the Debtor’s Proposed Cash Management Procedures and (2) object to the Stipulation to Regarding Set Off of Bank Accounts. In particular, the Direct Lenders (1) oppose any co-comingling of any payments received from the borrowers on loans involving the Direct Lenders, (2) request that the Debtor and the Restructuring Officer immediately establish separate and independent accounts into which payments from the borrowers must be deposited and held pending further Court order, (3) preclude any set off against payments from borrowers including, but not limited to, the set off sought on loans involving the Direct Lenders, as they are not property of the Debtor and (4) preclude the Debtor and the Restructuring Officer from spending any portion of payments from borrowers on loans involving the Direct Lenders to satisfy existing obligations of the Debtors or to pay any of the expenses set forth in the Debtor’s proposed budget.

The Direct Lenders further provide notice that the Direct Lenders will be taking the necessary steps (1) to revoke any Powers of Attorney, (2) to terminate any Servicing Agreements with the Debtors and (3) to seek the transfer of these loans and the servicing of the assets to an independent entity.

WHEREFORE, the Direct Lenders request that this Court preclude the Restructuring Officer's ability to use the Direct Lender's property and require the Restructuring Officer to

111

1 sequester the same in separate escrow accounts until the loans, the funds and the servicing can be
 2 transferred to an independent third-party entity.

3 DATED this 2nd day of May, 2006.

4 SNELL & WILMER L.L.P.
 5 By: 

6 Robert R. Kinas, Esq.

7 Meridith J. Strand, Esq.

8 3800 Howard Hughes Parkway

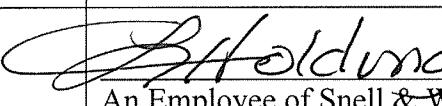
9 Suite 1000

10 Las Vegas, NV 89109

11 *Attorneys for Attorneys for Aylene Geringer, Mark Zipkin, Ed Schoononver, Sue Schoononver, Fern Apter, Bill Ovca, Alex Gassio, Terri Nelson,*

12 **CERTIFICATE OF SERVICE**

13 Pursuant to FED. R. BANKR. P. 5(b), I hereby certify that I am an employee of Snell &
 14 Wilmer, and that on May 2, 2006, I caused a true and correct copy of JOINDER IN THE
 15 OPPOSITIONS (1) TO DEBTOR'S PROPOSED CASH MANAGEMENT PROCEDURES
 16 AND INTERIM USE OF CASH IN ACCORDANCE WITH PROPOSED CASH BUDGET
 17 AND (2) THE ORDER REGARDING SET OFF OF BANK ACCOUNTS to be served by first
 18 class mail to:

17 ANNETTE W JARVIS POB 45385 Salt Lake City, UT 84145	18 LENARD E. SCHWARTZER SCHWARTZER & MCPHERSON 2850 S. Jones Boulevard, Suite 1 Las Vegas, NV 89146
19 FEDERAL BANKRUPTCY COURT Foley Federal Bldg. 300 Las Vegas Blvd South, Third Floor Las Vegas, NV 89101	20 USA COMMERCIAL MORTGAGE COMPANY 4484 South Pecos Road Las Vegas, NV 89121
21 U.S. TRUSTEE - LV Augie Landis 300 Las Vegas Boulevard S. Suite 4300 Las Vegas, NV 89101	22 CANDACE CARLYON 233 S. Fourth, #200 Las Vegas, NV 89101
23 GREG GARMAN 3960 Howard Hughes Parkway, 9 th Floor Las Vegas, NV 89109	24  An Employee of Snell & Wilmer